

## REMARKS

The Applicant appreciates the Examiner's thorough review of the present application as evidenced by the Office Action of February 23, 2001. Reconsideration of the present application is requested in light of the above amendments and the following remarks, which are responsive to the outstanding Office Action. Following the amendments, Claims 1-15, 18-19, and 21-26 remain pending and new Claims 27-29 have been added. The Applicant does not believe that any of these amendments or new claims have added new matter to the claims.

A petition for a one month extension of time, and a check in the amount of \$110 to cover the extension fee accompanies this Response. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-0761.

### *Rejections Under 35 U.S.C. § 112*

In the Office Action, Claims 2, 4, 9, 10, 17, 21, and 23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 has been cancelled. Claims 2, 4, 9, 10, 21, and 23 have been amended to eliminate the indefinite term noted in the Office action either by substituting "consisting of" for "comprising" in accordance with the Examiner's suggestion or by rewriting the claim in a different form. Applicant therefore respectfully submits that these claims now properly claim the subject matter of the invention and that the rejection under 35 U.S.C. § 112 has been traversed, thus putting these claims in conformity with the requirement of 35 U.S.C. § 112 and in condition for allowance.

### *Rejections Under 35 U.S.C. § 102*

In the Office Action, independent Claim 14 and dependent Claims 15 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,943,047 to Suzuki (the "Suzuki patent"). According to the Office Action, the Suzuki patent discloses a digital home communication terminal for use in a digital broadband delivery system containing a transmission planning means, an interface that receives a subscriber criteria, a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system. The Office Action states that

the transmission planning means of Suzuki is analogous to the bandwidth allocation manager of the present invention.

In response to this rejection, the Applicant has amended Claim 14 to recite that the digital home communication terminal contains an interface that receives a "subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future." Unlike the Suzuki patent and the other references cited in the Office Action, the communication terminal of the present invention enables a subscriber to request that bandwidth be preallocated to enable a subscriber to view a program at a date and time in the future. Neither the Suzuki patent nor the other references cited in the Office Action teach or suggest that a subscriber can submit a request to *reserve* future bandwidth to fulfill his or her request to view a program at a later date. This feature is particular advantageous because it enables a subscriber to ensure that the program it desires to view in the future (e.g., later in the week) will be available for viewing at the desired date and time. This feature is also advantageous because it enables the bandwidth allocation manager to collect data concerning future bandwidth uses at an earlier time, thus enabling it to assign content delivery modes to optimize the number of subscriber requests that may be fulfilled. Accordingly, the Applicant respectfully submits that Claim 14, as amended, recites features that are not disclosed by the Suzuki patent, thereby traversing the rejection under 35 U.S.C. § 102. Further, the Applicant submits that Claim 14, as amended, recites features that are not taught or suggested in any of the references cited in the Office Action or elsewhere in the prior art and is therefore in condition for allowance.

Dependent Claim 15 depends from amended Claim 14 and is therefore also in condition for allowance for at least the reasons set forth above with respect to Claim 14. In addition, Claim 15 has been amended to recite that the channel allocation information comprises VOD catalogue data that provides variable fee structures for a particular program. This feature is not taught or suggested by Suzuki or the other cited references. At most, the cited references disclose that VOD program data may be displayed. However, none of the references discloses that variable fee structures are provided for a particular program. This feature is advantageous because it provides subscribers with variable viewing option for a program wherein the costs may be adjusted based on the degree of random access desired, flexibility in start time, etc. Amended Claim 15 is therefore patentable over Suzuki for this reason as well.

In the Office Action, independent Claim 19 and dependent Claims 21, 23, and 25 were also rejected as being anticipated by Suzuki. In response, Claim 19 has been amended to recite that the method for allocating bandwidth in a digital broadband delivery system comprises "dynamically determining a bandwidth allocation schedule based at least partially

on the allocation criteria received from the subscriber by dynamically assigning at least two different content delivery modes to a plurality of digital transmission channels.” The Suzuki patent does not disclose this feature. Indeed, the Suzuki patent discloses that urgency levels may be assigned to a single content delivery mode (VOD) and that preallocated VOD transmission channels may be divided among VOD requests based upon the urgency level assigned to the request. The Suzuki patent does not, however, disclose or suggest that a bandwidth may be allocated by dynamically assigning at least two different content delivery modes to a plurality of digital transmission channels. Claim 19, as amended, is therefore patentable over the Suzuki patent. Further, as discussed in more detail below with respect to Claim 1, the Applicant respectfully submits that none of the references cited in the Office Action teach or suggest this feature and Claim 19, as amended, is therefore in condition for allowance.

Dependent Claim 21 was also rejected in light of the Suzuki patent which, according to the Office Action, discloses the use of video-on-demand as a content delivery mode. In response, Claim 21 has been amended to depend from amended Claim 19 and to recite that “at least two different content delivery modes” are selected from the group consisting of pay-per-view, video-on-demand, and near video-on-demand. Neither Suzuki nor the other references cited in the Office Action teach or suggest this feature. The Applicant therefore respectfully submits that Claim 21 is in condition for allowance.

Dependent Claim 23 was rejected in light of the Suzuki patent based on the disclosure in Suzuki of a video-on-demand-request received from a subscriber. In response to this rejection, Claim 23 has been amended to recite that the allocation criteria comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future. As set forth above with respect to Claim 14, the Suzuki patent does not disclose or suggest that a subscriber may submit a request to reserve bandwidth for use in viewing a program at a later date in the future. The Applicant therefore submits that Claim 23, as amended is patentable over Suzuki and that the rejection in light of Suzuki has been traversed. For the reasons set forth in more detail below with respect to Claim 4, the Applicant further submits that none of the references cited in the Office Action teach or suggest this feature. As such, Claim 23, as amended, is in condition for allowance.

In the Office Action, Claim 25 was rejected in light of the Suzuki patent based on Suzuki’s disclosure of generating a transmission plan based on “time zones.” According to the Office Action, this disclosure anticipates the recitation in Claim 25 of the use of a statistical model in determining a bandwidth allocation schedule. In response, the Applicant has amended Claim 25 to further clarify the operation of the invention by reciting that determining a bandwidth allocation includes processing the allocation criteria according to a

statistical model, wherein the statistical model assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria. Although the Suzuki patent discloses that preallocated VOD channels may be allocated between VOD requests of varying urgency based on "time zones", it does not disclose the use of a statistical model that factors in a plurality of criteria and assigns weights to each criteria. This feature, as claimed herein, is advantageous because it enables the bandwidth allocation manager to take multiple criteria into account when allocating sparse bandwidth. As such, Claim 25, as amended, is patentable over the Suzuki patent. In addition, the Applicant respectfully submits that none of the references cited in the Office Action teach or suggest the elements recited in amended Claim 25 and that Claim 25 is therefore in condition for allowance.

Based on the foregoing, the Applicant submits that each of the Examiner's rejections under 35 U.S.C. §102 in light of the Suzuki patent have been traversed and that Claims 14-16, 19, 21, 23, and 25 are in condition for allowance.

### ***Rejections Under 35 U.S.C. § 103***

In the Office Action, Claim 1-4, 6-9, 10, 12, 13, 20, 22 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Suzuki patent in view of U.S. Patent No. 5,771,435 to Brown (the "Brown patent"). According to the Office Action, the Suzuki patent discloses a bandwidth allocation manager but fails to disclose that the bandwidth allocation manager dynamically assigns a content delivery mode to a plurality of digital transmission channels based at least partially on an allocation criteria received from a subscriber. The Office Action relies on the Brown patent as disclosing a hybrid NVOD and VOD system wherein a requester is directed to view a NVOD time-staggered version of a program when a subscriber requests a VOD program that strains system resources. According to the Office Action, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki to include the claimed content delivery mode to have an option of switching to an NVOD time staggered broadcast to accommodate a greater number of subscribers when necessary to avoid straining system bandwidth.

With respect to Claim 1, the Applicant has amended the claim to further clarify the invention by reciting that the bandwidth allocation manager dynamically assigns at least two different content delivery modes to a plurality of digital transmission channels. The Applicant respectfully submits that the combined teachings of the Suzuki patent and the Brown patent do not teach or suggest the claimed invention as recited in amended Claim 1. In particular, neither of these references teach or suggest, either individually or collectively, that at least two *different* content delivery modes are assigned to a plurality of digital

transmission channels. The Susuki patent discloses that a single content delivery mode, VOD, may be used to fulfill a subscriber demand for a VOD based on the urgency of the subscriber demand. A predetermined number digital transmission channels that have already been allocated to VOD are then divided between the different VOD demands based on the urgency of the demand and information concerning "time zones" that is intended to limit bandwidth usage for low-urgency demands during primetime viewing periods. Brown, on the other hand, discloses that a VOD subscriber may be redirected to a *previously allocated* digital transmission channel that is broadcasting an NVOD transmission when system resources are strained and cannot accommodate the VOD request. Neither Brown nor Susuki, however, teach or suggest that at least two different content delivery mode are dynamically assigned to a plurality of digital transmission channels based at least in part on an allocation criteria received from a subscriber. This difference is significant because the present invention enables all of the digital transmission channels in a particular system to be dynamically allocated between any number of content delivery modes as opposed to merely assigning a single content delivery mode to digital transmission channels that have been preallocated to VOD (in the case of Susuki) or merely redirecting a VOD request to a previously assigned digital transmission channel broadcasting NVOD (as in Brown). Accordingly, the Applicant respectfully submits that Claim 1, as amended, is in condition for allowance.

With respect to Claim 2, the Applicant has amended the claim to further clarify that "at least two different content delivery modes" are selected. As set forth above, this feature is not taught or suggested by the combination of the Susuki and Brown patents. Claim 2 is therefore in condition for allowance.

In the Office Action, Claim 3 was rejected as obvious based on combination the Susuki and Brown patents. According to the Office Action, it would have been obvious to include an NVOD system in Suzuki to accommodate a large number of requesters while minimizing bandwidth constraints, and since an NVOD system provides video content at time-spaced varying intervals, Claim 3 would have been obvious. Notwithstanding the question of whether the incorporation of an NVOD system in Susuki is a proper combination, the Applicant respectfully submits that the Office Action misinterprets the scope of original Claim 3. To further clarify this claim, the Applicant has amended Claim 3 to recite that at least *three* instances of a same movie video content are transmitted at time-spaced intervals of varying length. Contrary to the statements in the Office Action, this claim does not read upon traditional NVOD broadcasts which are broadcast at time-spaced intervals of *uniform* length (e.g. every 15 or 30 minutes). In contrast to such NVOD systems, the invention claimed in amended Claim 3 is directed to a content delivery mode whereby multiple

instances of the same program are transmitted at time-spaced intervals of varying (as opposed to uniform) length. Advantageously, this enables the bandwidth allocation manager to allocate bandwidth to better account for subscriber viewing patterns which are often ill-suited to standard NVOD transmission methods. For example, under the invention of Claim 3, a program may be transmitted at 8:00, 8:01, 8:04 and then at 8:15, 8:17, etc. Unlike prior art systems, this enables the bandwidth allocation manager much greater flexibility to allocate bandwidth more efficiently. (See generally page 20, line 20 through page 21, line 9 of the Specification). As such, the Applicant respectfully submits that the Susuki and Brown patents, whether taken alone or in combination, fail to teach or suggest this feature and Claim 3 is therefore in condition for allowance.

In the Office Action, Claim 4 was rejected based the disclosure of Susuki which purportedly discloses that an allocation criteria received from a subscriber is a video-on-demand request. In response, the Applicant has amended Claim 4 to recite that the allocation criteria received from a subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future. Unlike the Suzuki patent and the other references cited in the Office Action, the communication terminal of the present invention enables a subscriber to request that bandwidth be preallocated to enable a subscriber to view a program at a date and time in the future. Neither the Suzuki patent nor the other references cited in the Office Action teach or suggest that a subscriber can submit a request to reserve future bandwidth to fulfill his or her request to view a program in the future. As discussed above with respect to Claim 14, this feature is particularly advantageous because it enables a subscriber to ensure that the program it desires to view in the future (e.g., later in the week) will be available for viewing at the desired date and time and because it enables the bandwidth allocation manager to collect data concerning future bandwidth uses. In addition, unlike the Susuki patent, the present invention does not require that the subscriber's terminal have storage capacity in order for the subscriber's request to be fulfilled. Instead, bandwidth is reserved so that the subscriber's request may be fulfilled in real time on the scheduled date. Accordingly, the Applicant respectfully submits that Claim 4, as amended, recites features that are neither taught nor suggested in any of the references cited in the Office Action and is therefore in condition for allowance.

Claim 6 was rejected in the Office Action in light of Suzuki which, according to the Office action, discloses a statistical model in the form of capacity-based on time zones. To clarify the invention of Claim 6, the Applicant has amended the claim to recite that the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model

assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria. As discussed at length above with respect to Claim 25, the Suzuki patent does not disclose the use of a statistical model that factors in a plurality of criteria and assigns weights to each criteria. As such, Claim 6, as amended, is patentable over the Susuki patent. In addition, the Applicant respectfully submits that none of the references cited in the Office Action teach or suggest the elements recited in amended Claim 6 and that Claim 6 is therefore in condition for allowance.

In the Office Action, independent Claim 7 was rejected based on the combination of the Suzuki and Brown patents for the same reasons discussed above with respect to Claim 1. In response to the Office Action, the Applicant has amended Claim 7 to further clarify the invention by reciting that “at least two different content delivery modes are assigned to a plurality of digital transmission channels.” For the reasons set forth above with regard to Claim 1, the Applicant respectfully submits that Claim 7 is in condition for allowance.

In the Office Action, Claim 8 was rejected based on the combination of the Susuki and Brown patents. According to the Office Action, this combination discloses transmitting via VOD mode or NVD mode depending on constraints on the systems bandwidth. The Office Action also states that the Brown patent further teaches monitoring the number of people requesting and viewing a VOD transmission and allocating bandwidth for a VOD transmission only if system limits would not be exceeded. Based on this purported disclosure, the Office Action states that it would have been obvious to provide a list of available modes to the bandwidth allocation manager to indicate whether or not to allocate bandwidth for a VOD session based on the availability of bandwidth and system limits. The Applicant respectfully submits that this conclusion is incorrect. Neither Susuki nor Brown disclose a VOD application server as recited in Claim 8 nor do they disclose that the server transmits a list of available content delivery modes to the bandwidth allocation manager.

This lack of disclosure is not surprising because neither Susuki nor Brown disclose or suggest that more than one content delivery mode may be dynamically assigned to a plurality of digital transmission channels. Therefore, there would not have been a need in either Susuki or Brown to transmit a list of available content delivery modes because only one type of content was being allocated, i.e. VOD usage. In contrast, the present invention enables the dynamic allocation of bandwidth using multiple content delivery modes. This is significantly different from the disclosure in Brown which merely directs a subscriber to a different content delivery mode that was *preallocated* and the disclosure of Susuki which merely discloses that differently levels of urgency may be assigned to a single content delivery mode (VOD). Accordingly, the Applicant respectfully submits that the Susuki and Brown patents, whether taken alone or in combination, do not teach or suggest a VOD application server that

transmits a list of available content delivery modes to a bandwidth allocation manager. Therefore Claim 8 is not taught or suggested by Susuki or Brown, either alone or in combination, and therefore, Claim 8 is in condition for allowance.

In the Office Action, dependent Claim 9 was rejected on grounds substantially similar to those set forth in the rejection of dependent Claim 2. In response, the Applicant has amended Claim 9 in the same manner as Claim 2 and respectfully submits that Claim 9 is now in condition for allowance for at least the reasons set forth above with respect to dependent Claim 2.

Similarly, dependent Claim 10 was rejected on grounds substantially similar to those set forth in the rejection of dependent Claim 4. In response, the Applicant has amended Claim 10 in the same manner as Claim 4 and respectfully submits that Claim 10 is now in condition for allowance for at least the reasons set forth above with respect to dependent Claim 4.

Dependent Claim 12 was also rejected on grounds substantially similar to those set forth in the rejection of dependent Claim 6. In response, the Applicant has amended Claim 12 in the same manner as Claim 6 and respectfully submits that Claim 12 is now in condition for allowance for at least the reasons set forth above with respect to dependent Claim 4.

Likewise, dependent Claims 13 and 22 were rejected on grounds substantially similar to those set forth in the rejection of dependent Claim 3. In response, the Applicant has amended Claim 13 in the same manner as Claim 3 and respectfully submits that Claim 13 is now in condition for allowance for the reasons set forth above with respect to dependent Claim 3.

In the Office Action, Claims 5, 11, 18, and 24 were rejected as being unpatentable over Suzuki in view of Brown and U.S. Patent No. 5,410,344 to Graves et al. (the "Graves patent"). According to the Office action, the particular feature claimed in these dependent claims, i.e. the assignment of priorities to a request by a user, would have been obvious in view of Graves based on Graves' disclosure of a system in which a user assigns ranking priority to programs to screen programs and provide programs of interest to the user. In response, the Applicant respectfully submits that Claims 5, 11, 18, and 24 depend from allowable independent claims and are therefore in condition for allowance for the reasons set forth above. In addition, the Applicant submits that the system disclosed in Graves, where a user ranks programs to enable screening of programs based on content, is materially different from the invention of Claims 5, 11, 18, and 24, which recites a plurality of subscriber reservation requests with a least two assigned priorities. In the present invention, the user submits at least two assigned priorities that identify which of the plurality of subscriber reservation requests that the user prefers. Unlike the system of Graves, the subscriber is not



ranking content of particular programs. Instead, the user is prioritizing its reservation requests to inform the bandwidth allocation manager of the users preferences regarding which of subscriber's reservation requests the subscriber would prefer and provides the bandwidth allocation manager with prioritized alternative in the event that the subscribers first reservation request may not be fulfilled. Accordingly, the Applicant respectfully submits that this feature is not taught or suggested by Graves, whether taken alone or in connection with the other cited references. As such, Claims 5, 11, 18, and 24 are patentable over the cited references, taken alone or combination, and therefore are in condition for allowance.

#### ***Patentability of New Claims***

New Claim 27 depends from amended Claim 4 and recites additional patentable features. In particular, new Claim 27 recites that the subscriber reservation request comprises a plurality of subscriber preferences identifying at least a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled. This claim does not add new matter as these features are described in detail on page 16, lines 7-11 and 18-21 of the specification. None of the references identified in the Office Action teach or suggest a digital home communication terminal containing these elements. Accordingly, applicant respectfully submits that Claim 27 is in condition for allowance.

New Claim 28 depends from Claim 7 and recites the same additional features as Claim 27. As such, this claim is patentable for the same reasons discussed above with respect to Claims 7 and 27.

New Claim 29 depends from Claim 14 and recites the same additional features as Claim 27. As such, this claim is patentable for the same reasons discussed above with respect to Claims 14 and 27.

#### **CONCLUSION**

In response to the Official Action of April 9, 2001, the Applicants have amended each of the independent claims and many of the dependent claims to further clarify the present invention and more clearly distinguish over the references cited by the Examiner. Based on these amendments and the arguments set forth herein, the Applicant submits that all pending claims in the present application clearly define over the prior art and are in condition for allowance. A Notice of Allowance is thus respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any further informalities need to be addressed.

It is not believed that fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-0761.

Respectfully submitted,

**SEND CORRESPONDENCE TO:**

Scientific-Atlanta, Inc.  
Intellectual Property Dept. MS 4.3.518  
5030 Sugarloaf Parkway  
Lawrenceville, GA 30044

By: Kelly A. Gardner  
KELLY A. GARDNER  
Attorney of Record  
Reg. No.: 35,147  
Phone: (770) 236-7866  
Fax No.: (770) 236-4806

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on AUGUST 9, 2001.

Marcia Burdick  
Marcia Burdick

**Version with Markings to Show Changes Made:**

1. (Once Amended) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager dynamically assigns [a] at least two different content delivery [mode] modes to a plurality of digital transmission channels based at least partially on an allocation criteria received from a subscriber.

2. (Once Amended) The bandwidth allocation manager of claim 1, wherein the at least two different content delivery [mode] modes are selected from the group [comprising] consisting of pay-per-view, video-on-demand, and near video-on-demand.

3. (Once Amended) The bandwidth allocation manager of claim 1, wherein at least one [the] content delivery mode comprises a video content delivery mode wherein at least [two] three instances of a same video content are transmitted at time-spaced intervals of varying length.

4. (Once Amended) The bandwidth allocation manager of claim 1, wherein the allocation criteria received from the subscriber [is selected from the group comprising a video-on-demand request,] comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future [a subscriber profile, and a subscriber preference].

6. (Once Amended) The bandwidth allocation manager of claim 1, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria.

7. (Once Amended) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system based at least partially on an allocation criteria received from a subscriber by assigning [a] at least two different content delivery [mode] modes to a plurality of digital transmission channels; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

9. (Once Amended) The bandwidth allocation system of claim 7, wherein the at least two different content delivery [mode] modes are selected from the group [comprising] consisting of pay-per-view, video-on-demand, and near video-on-demand.

10. (Once Amended) The bandwidth allocation system of claim 7, wherein the allocation criteria received from the subscriber [is selected from the group comprising a video-on-demand request,] comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future [, a subscriber profile, and a subscriber preference].

12. (Once Amended) The bandwidth allocation system of claim 7, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria.

13. (Once Amended) The bandwidth allocation system of claim 7, wherein at least one [the] content delivery mode comprises a video content delivery mode wherein at least [two] three instances of a same video content at time-spaced intervals of varying length.

14. (Once Amended) A digital home communication terminal for use in a digital broadband delivery system containing a bandwidth allocation manager comprising:  
an interface that receives a [subscriber criteria] subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future;

a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system.

15. (Once Amended) The digital home communication terminal of claim 14, further comprising a tuner that receives channel allocation information from the bandwidth allocation manager and processes the information into a format suitable for presentation to a

subscriber, and wherein the channel allocation information comprises VOD catalogue data that provides variable fee structures for a particular program.

19. (Once Amended) A method for allocating bandwidth in a digital broadband delivery system comprising:

initiating a bandwidth allocation event;

receiving an allocation criteria from a subscriber; and

dynamically determining a bandwidth allocation schedule based at least partially on the allocation criteria received from the subscriber by dynamically assigning at least two different content delivery modes to a plurality of digital transmission channels.

21. (Once Amended) The method of claim [20] 19, wherein the at least two different content delivery [mode] modes are selected from the group [comprising] consisting of pay-per-view, video-on-demand, and near video-on-demand.

22. (Once Amended) The method of claim [20]19, wherein at least one [the] content delivery mode comprises a content delivery mode wherein as least [two] three instances of a same video content are transmitted at predetermined time-spaced intervals of varying length.

23. (Once Amended) The method of claim 19, wherein receiving the allocation criteria from a subscriber comprises receiving an allocation criteria [selected from the group comprising a video-on-demand request,] comprising a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future [, a subscriber profile, and a subscriber preference.

25. (Once Amended) The method of claim 19, wherein dynamically determining a bandwidth allocation schedule based at least partially on the allocation criteria received from the subscriber includes processing the allocation criteria according to a statistical model, wherein the statistical model assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria.